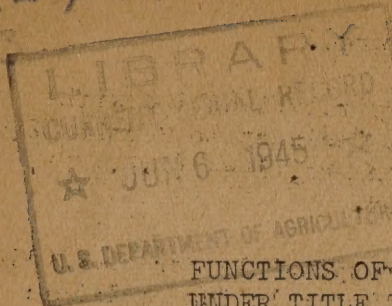


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EEL Circular No. 1  
Revised May 1, 1945



FUNCTIONS OF STATE AGRICULTURAL EXTENSION SERVICES  
UNDER TITLE I, SECTION 2, THE FARM LABOR SUPPLY ACT

I. PURPOSE

The State Agricultural Extension Services of the Land Grant Colleges are assisting in providing an adequate supply of workers for the production, harvesting, and preparation for markets, of agricultural commodities essential to the prosecution of the war, in accordance with the agreements they have entered into with the War Food Administrator pursuant to Public Law 229 approved February 14, 1944, 78th Congress, "Farm Labor Supply Appropriation Act, 1944", as supplemented by Public Law 529, approved December 22, 1944, hereinafter called the "Act". These instructions are intended to indicate certain general provisions and limitations; they are not to be considered as modifying or changing the terms of the basic agreements (cooperative agreements for extension work in farm labor supply and distribution) or as detailed plans or outlines of the programs which the State extension services are to formulate and administer subject to the approval and supervision of the War Food Administrator.

II. DEFINITIONS

For the purpose of these instructions, the term

A. "State" includes Alaska, Hawaii, and Puerto Rico;

B. "Administrator" means the War Food Administrator or his duly authorized representative or representatives. In the conduct of the Farm Labor Program the representatives of the Administrator include:

1. The Extension Service, which shall be responsible for the following functions of the War Food Administration relating to labor:

a. All functions relating to intrastate domestic labor, the Women's Land Army and the Victory Farm Volunteers except as provided in b. below;

b. All functions relating to interstate domestic and migratory domestic labor, except the provision of housing, subsistence and medical care where such interstate domestic labor or other migratory labor is housed in War Food Administration camps operated by the Office of Labor.



- c. The determination of prevailing wages.
  - d. All administrative and supervisory relationships with State Agricultural Extension Services incident to Section 2(a) of the Farm Labor Supply Appropriation Act, 1944 (P.L. 229, 78th Cong., 2d Sess.), as supplemented.
2. The Office of Labor, which shall be responsible for the following functions of the War Food Administration relating to labor:
- a. All functions relating to manpower and wage stabilization;
  - b. All functions relating to foreign labor, except the placement of such labor with individual producers or producer associations;
  - c. The operation of all farm labor supply camps owned or leased by the War Food Administration which are used wholly or in part for the housing of interstate or other migratory labor, including the provision of subsistence and medical care for workers housed therein and the provision of health and medical services for migratory agricultural workers entering the areas served by such farm labor camps.
  - d. The negotiations between the War Food Administration and the War Department for the utilization of Prisoners of War as agricultural workers.

The Office of Labor shall also serve as a central office for obtaining special equipment for the transportation across State lines of interstate domestic labor, but shall not be responsible for any other phases of transportation of such interstate domestic labor.

- C. "Worker" refers to "intrastate workers" as contrasted with:
- 1. "Interstate workers" who are to be or have been transported with farm labor funds from the State of recruitment to some other State for employment.
  - 2. "Foreign workers" who are to be or have been transported with farm labor funds from a foreign country for employment in the United States.
- D. "Agricultural labor" includes any services or activities within the provisions<sup>1</sup> of Section 3(f) of the Fair Labor Standards Act of 1938 or Section 1426(h) of the Internal Revenue Code. The pertinent provisions of Section 3(f) are as follows:

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<sup>1</sup>By interpretation of the Solicitor, generally limited to services in the production and harvesting of agricultural commodities essential to the prosecution of the war, and the preparation thereof for market to the extent specified in the quoted definitions plus specifically authorized emergency processing and packing.



"'Agriculture' includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j (g) of Title 12 as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices<sup>1</sup> (including any forestry or lumbering operations) performed by a farmer or on a farm<sup>2</sup> as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

The pertinent provisions of section 1426(h) are as follows:

"The term 'agricultural labor' includes all services performed -

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 1141j (g) of Title 12, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

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<sup>1</sup>By interpretation of the Solicitor, not to include service performed in connection with commercial canning or commercial freezing.

<sup>2</sup>By interpretation of the Solicitor, limited to employees of the farm operator.



(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

### III. FUND ALLOCATIONS, CERTIFICATIONS, EXPENDITURES, AND ACCOUNTING

A. Allocations and Certifications. The Administrator will certify to the Secretary of the Treasury from time to time the amounts to be advanced to each State under Title I, Section 2, and the time or times such amounts are to be advanced. The Secretary of the Treasury will advance to the State at the time or times fixed by the Administrator the amounts so certified.

1. To facilitate these certifications and advances, each State extension service will, as it deems necessary or as requested, submit budgets, estimates, and plans of work to the Federal Extension Service.
2. The funds will be advanced only as the need is determined by the Administrator from time to time. In this way, proper adjustment between the needs of the several States will be assured, thus avoiding the consequences which might follow the advance to any one State at any one time of funds which are subsequently found to be more urgently needed elsewhere.

#### B. Expenditures

1. The allocated funds may be expended by the State extension services only to assist in providing an adequate supply of workers for the production, harvesting, specified preparation for market, and emergency processing authorized by the Administrator, of agricultural products essential to the war. Limitations imposed by the law, by the basic agreements with the State extension services, and by the Administrator, must be strictly followed.



2. The authorized purposes for expenditures of allocated funds include, among other things, (a) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers; (b) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (c) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps, and for the construction of labor supply centers and other necessary facilities and services (not to exceed \$20,000 for any one center); (d) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse such extension services for such advances; (e) rendering assistance with respect to the deferment of agricultural labor, including, among other things, the furnishing of information on the contribution that individuals subject to selective service are making to agricultural production; (f) employment of personnel and other administrative expenses - all with respect to workers for employment within the several States.
3. In the expenditure of the funds, the customary extension procedures in the States may be followed with such necessary changes as may be approved or directed by the Administrator to assure expenditure only for the authorized purposes and to make possible proper accounting for such expenditure.
4. Any payments received from employers or workers by way of repayment of advances made or for services rendered the employers or workers by the State extension services and all other receipts in these programs must be expended in furtherance of the purpose for which funds were allocated.
5. Although the Congress has authorized the use of the allocated funds for the recruitment, transportation, and placement of agricultural labor, it must be emphasized that the funds are not intended to pay expenses which the employers of agricultural labor or employees normally pay from their own funds. Accordingly, employers must recruit and finance their own labor whenever possible.
6. State extension services may enter into agreements with other public and private agencies and individuals for utilizing the facilities and services of those agencies and individuals in carrying out the authorized purposes. The State extension services may, accordingly, make payments to or reimbursements of such agencies or individuals for furnishing services or facilities for those purposes.



7. Paid advertising is usually unnecessary and should be held to a minimum. Where advertising is inserted in out-of-State papers, clearance with the Director of Extension in the State of publication should be obtained preceding publication.
8. The allocated funds must not be used to finance the regular functions of the State extension services. Every effort consistent with economy and efficiency must be made to assure that full time labor supply personnel are employed and paid entirely from the allocated labor funds. The funds must be expended for personnel and other purposes strictly in proportion to the extent to which the personnel and other items are engaged in or contributing to the labor supply functions of the State extension services.

C. Accounting

1. The State extension services shall keep such accounts and records and make such reports concerning the use of the funds as the Administrator may require. It is expected, however, that the State extension services will follow, for the most part, the accounting practices and procedures which they use for their regular extension functions financed with Federal funds.
2. The State extension services shall return to the Government all allocated funds not obligated by December 31, 1945 (including the unobligated payments and receipts referred to in paragraph III B 4 above, whether received before or after December 31, 1945), unless the Administrator otherwise directs.
3. The State extension services shall return to the Government all unexpended property acquired with the funds or, if the services so elect, the value thereof as determined by the Administrator after consideration of estimates submitted to him by the State extension services when such property is no longer needed in the administration of the programs undertaken with the funds. Accordingly, such necessary property controls, inventories, and records, shall be maintained as the Administrator may require.
4. The State extension services shall restore to the funds any misapplied funds.
5. In the event that the Administrator determines that the program of any State extension service is being improperly administered, the State extension service shall return to the Administrator, forthwith, upon notice, by the Administrator, any unobligated balances of the funds and all property or the value thereof as provided in paragraph 3 above.



#### IV. PERSONNEL

##### A. Personnel Practices and Procedures

The State extension services may follow their usual personnel practices and procedures with such changes as may be necessary subject to the approval of the Administrator. The principles stated in paragraph III B 8 above must be observed.

##### B. Federal Appointments

Federal appointments may be given to personnel employed hereafter by the State extension services for their labor supply functions upon request and justification by the State extension services. Employees holding Civil Service status may, upon application, arrange to have this status continued.

- C. Where it is the customary practice of the State extension service, or if it is determined administratively to be reasonably necessary to effectuate the objectives of the Act, farm labor funds may be used for the purchase of workman's compensation insurance for employees not holding Federal appointment paid from farm labor funds allocated under Section 2 or for the bonding of such employees. Farm labor funds cannot be used for employer contributions to State or college retirement systems. However, the employee may contribute to a retirement system or have part of his salary deducted for this purpose.

#### V. DETERMINATION AND CERTIFICATION OF NEED

- A. The educational program with farmer-employers should emphasize the acute manpower situation, the importance of full utilization of labor-saving devices and practices, and full utilization of all available labor. Employers should realize that neither the State extension services nor the Office of Labor has the power or the entire responsibility to supply all labor needs. Employers must further realize that such labor as is available is not likely to be as satisfactory as the labor to which they were accustomed prior to the war.
- B. Before consideration is given to the use of farm labor funds for transportation of intrastate, interstate or foreign workers into a county, the possibilities of supplying workers from the following sources should be completely exhausted:
1. Through neighborhood exchange or custom work.
  2. Complete mobilization of local men, women and youth.
  3. Workers from other areas that can furnish their own transportation or who will be transported by employers.



- C. Before consideration is given to the certification of need for workers from outside a State, arrangements should be made by the State extension service for the recruitment and transportation of labor available in other parts of the State and for the full utilization of all war prisoners that can be made available to the State by the Army Service Command.
- D. When the State Extension Director determines that the need for labor for agricultural production essential to the war exceeds that which can be obtained within the State, and that which can be obtained from other States without the payment of transportation, certification of this need should be made to the War Food Administration. Requests for interstate transported workers are sent to the Deputy Director of Extension, Farm Labor Program. Requests for foreign workers are sent to the Director of Labor, Office of Labor.

## VI. RECRUITMENT AND WORK AGREEMENTS

- A. Intrastate Workers. The State extension services will recruit or arrange for the recruitment of all intrastate workers.
- B. Interstate Workers. Section 2 funds allocated to State extension services shall not be used to pay expenses incident to recruitment and transportation of "interstate" workers. Such costs will be paid from Administrator's funds allocated to the Extension Service, as provided in the cooperative agreement under Section 3 of the Farm Labor Supply Appropriation Act, 1944.
- C. Foreign Workers. Foreign workers will be recruited by the Office of Labor.
- D. Work Agreements With Intrastate Workers. The State extension service may, when deemed advisable, enter into a work agreement with an intrastate worker to be transported or otherwise financially assisted by the State extension service with the allocated funds.
- E. Work Agreements With Interstate Workers. The extension service of the State of use will enter into a work agreement with each interstate worker transported with farm labor funds. Exception may be made of VFV and WLA workers.
- F. Work Agreements With Foreign Workers. The Office of Labor will enter into a work agreement with each foreign worker.

## VII. TRAINING

The State extension service should arrange for such preemployment and on-the-job training as will insure efficient work performance of workers being supplied farmers regardless of whether intrastate, interstate, prisoners of war, or foreign workers are involved. Assistance in training workers can frequently be obtained from State Boards of Vocational Education and local educational institutions.



VIII. TRANSPORTATION

- A. Furnished by Employers. Employers will be expected to furnish all local day haul transportation of workers. They will furnish, or pay any costs of, transportation of workers and their families from local centers or shelter facilities to the field.
- B. Furnished by the State Extension Services. The State extension services may arrange and pay for such nonlocal transportation of workers as the employers are not able to furnish, or are not accustomed to furnish. Except in unusual cases, the State extension services should not furnish or pay for transportation of workers for employment within 50 miles of the place of recruitment. Where available, licensed public transportation should be employed. Otherwise, the means used should be the most inexpensive available and compatible with the welfare of the persons to be transported and the time requirements of the situation.
- C. Consent of County Agent. No part of the allocated funds shall be expended for the transportation of any worker from the county where he resides or is working to a place of employment outside such county without the prior consent in writing of the county extension agent of such county, if the worker has resided in the county for a period of one year or more immediately prior thereto and has been engaged in agricultural labor as his principal occupation during such period. In this connection, county agents will recognize that the paramount national war interest requires full determination and continuous utilization of all available labor supplies in the areas of greatest need. Every effort should be made to insure the movement of labor from area to area at the proper times.
- D. Nonworking Members of Families. Transportation for nonworking members of workers' families should be furnished only as may be necessary in connection with nonlocal and extended movements of workers.
- E. Baggage and Personal Effects. Ordinarily baggage and personal effects of transported workers and their families should be limited to such items as may be transported without extra charge. It may be necessary to depart from this rule in connection with the transportation of year-round workers and their families.
- F. Licensed Carriers. The State extension services should transport workers only in vehicles licensed by the appropriate State or federal agencies to carry passengers. They may, however, if they deem the measure necessary, use the allocated funds to finance the transportation of the workers and their families in their own, borrowed, or pooled vehicles.
- G. Office of Defense Transportation. County extension agents and their farm labor assistants will recommend to the Office of Defense Transportation the applications for certificates of war necessity for trucks to be used in the transportation of agricultural workers from place of residence to areas of employment and return.



- H. Office of Price Administration. County extension agents and their assistants will assist the Office of Price Administration by identifying local regular and emergency workers needing gasoline for passenger cars being utilized in getting to and from place of residence and place of agricultural employment; also in the identification of migratory workers using passenger cars for transportation between areas of agricultural employment and for returning to place of residence.
- I. Necessary medical and subsistence goods, services, and facilities, protection and supervision for the transported workers and their families during transportation may be provided by the State extension services.
- J. Intrastate Transportation of Interstate and Foreign Workers. The State extension services may use Section 2 funds to pay the transportation and subsistence while en route of interstate and foreign workers from one place of employment to another place of employment within the State.

#### IX. PLACEMENT AND EMPLOYMENT AGREEMENTS

- A. Of All Farm Labor. The State extension services shall be responsible for placement of all intrastate, interstate, and foreign labor recruited pursuant to the Act. Placement includes field follow-up of referrals to insure full utilization of workers and satisfactory employer-employee relationships.
- B. Placement Standards
  - 1. No part of the allocated funds shall be used, either directly or indirectly, to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective bargaining requirements or union membership, with respect to any agricultural laborers, except with respect to workers imported into the United States from a foreign country, and then only to the extent required to comply with agreements with the Government of such foreign country. An exception from the requirement is made, however, in connection with the negotiation of agreements with employers of agricultural workers which may provide that prevailing wage rates shall be paid for particular crops and areas involved and that shelter shall be provided for such workers.
  - 2. When foreign workers, interstate workers, prisoners of war, troops, or other special groups are to be utilized, prevailing wages for particular operations, crops, and areas are to be determined. Hearings should be held by county wage boards to determine the most common wage and the equivalents. Based upon the evidence presented and the recommendations of county wage boards, the State Director of Extension will determine the prevailing wage.



- C. Employment Agreements for Intrastate Workers. The State extension services may, when deemed advisable, execute employment agreements with the employers of seasonal intrastate workers before the allocated funds are used for transportation, subsistence, health, medical, or burial services, shelter, advances, or allowances for the particular workers. With respect to year-round intrastate workers, such agreements may be between the employer and the worker after transportation and other measures have been effected.
- D. Employment Agreements for Interstate Workers. The State extension service in the State of use will execute employment agreements with employers covering interstate workers transported with farm labor funds.
- E. Employment Agreements for Foreign Workers. The Office of Labor will generally attend to the execution of the employment agreements with employers with whom foreign workers are to be placed by the State extension service.
- F. Provisions of Employment Agreements
1. In order to assure full utilization and more equitable distribution of workers, employment agreements should be so worded that pursuant thereto workers will not be supplied or be continued in employment unless the employer agrees to employ and actually employs the workers for not less than 75 percent of the days (excluding one day in each seven consecutive days) within the periods of employment.
  2. Provisions should be consistent with the limitations indicated above in paragraph IX B 1. This is not intended to preclude the establishment of such voluntary mediation procedure for disputes as the Administrator may from time to time approve, nor the use for the purpose of calculating the 75 percent minimum employment of such number of hours in a day as are customarily worked by the agricultural workers in the particular crop and area, or of other appropriate formulae approved by the Administrator.
- G. Members of Congress. The agreements entered into between the State extension services and the Administrator provide that no member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part in the agreements or to any benefit that may arise therefrom. This provision will not, however, preclude the placement of agricultural workers with employers who are members of or delegates to Congress or resident commissioners.

X. SUBSISTENCE

The State extension services may provide or arrange for the provision of necessary subsistence goods, facilities, and services, including meals and lodging, during recruitment, training, transportation and



placement, but shall not provide subsistence for workers while they are employed except as small unavoidable losses, due to weather and other causes, may be incurred in the operation of mess facilities at farm labor camps and as hereinafter stipulated in Section XVI.

#### XI. ALLOWANCES

Caution must be exercised in making allowances to workers. Cash payments may be made by the State extension services to workers only for the purpose of effecting any of the authorized purposes stated in paragraph III B 2 above, and then only to the extent necessary to pay the estimated costs thereof.

#### XII. CAMPS AND OTHER HOUSING

- A. The State extension services may lease, repair, alter, and operate existing facilities for the purpose of providing housing for farm workers.
- B. A limited amount of buildings and other necessary facilities for the housing of farm labor may be constructed or purchased by the State extension service. Not more than \$20,000 may be expended at any one site. Because of the limitation of \$100,000 for this purpose, prior approval from the Federal Extension Service must be obtained before funds are expended for land and structures.
- C. State extension services may use funds, allocated pursuant to Section 2, for fire insurance, public liability, or workmen's compensation insurance for camp employees, if such expenditures are determined administratively to be reasonably necessary to assist in providing an adequate supply of workers within their respective States.

#### XIII. HEALTH, MEDICAL, AND BURIAL SERVICES FOR INTRASTATE LABOR

##### A. Health Services

- 1. Examinations. The State extension services shall determine the nature and extent of the health examinations to be given workers and their families in the program, and if necessary pay for such service. It may be that for certain types of work the most cursory examinations by lay employees of the State extension services will suffice. But in other cases, as, for instance, the recruitment and placement of dairy workers, professional health examinations will doubtless be necessary. Cooperation with local health authorities and officials will facilitate this function.
- 2. Sanitation. Minimum sanitation precautions and facilities must be taken and provided in connection with the assembly, training, transportation, and housing of workers and their families.



- B. Medical Services. No assembly or transportation of workers and their families should be undertaken without it having been assured that adequate emergency medical services, including hospitalization, will be available. The State extension services may pay the costs incident to such services as it may find advisable and necessary for the workers and their families. It is suggested that wherever possible arrangements be made with nonprofit health associations to facilitate the furnishing of the services.
- C. Burial Services. The State extension services should pay the expenses of burials and funerals of workers and their families, and of transportation necessarily incident thereto, only if local authorities, relatives of the deceased, or the employers will not pay such expenses and if such burials, funerals, and transportation are reasonably necessary to the program.

#### XIV. PROTECTION

The State extension service shall furnish such protection as it deems advisable and necessary for the workers and their families, including the furnishing of necessary guards at labor supply camps and centers. Protection does not include the payment of accident or other insurance premiums for agricultural workers. Such insurance, if provided at all, must be purchased by the worker or his employer or others, but not with monies allocated from the Farm Labor Supply Appropriation Act.

#### XV. SUPERVISION

The State extension services shall furnish or arrange necessary supervision of intrastate workers during recruitment, transportation, placement, and other periods, but not ordinarily during periods of employment of adult workers except as may be necessary to assure compliance with contracts. The employment of minors will involve a special responsibility necessitating a higher degree of supervision extending into the employment periods. The necessary supervision for minors will vary according to the factors of housing, length of employment periods, sex, etc.

#### XVI. ADVANCES TO WORKERS

The State extension services may make advances of wages and subsistence allowances, due from employers within the United States, to workers in emergency circumstances, but only if the workers' employers are bound by contracts with the State extension services to reimburse the State extension services in the full amount of such advances. The State extension services will then be required to effect such reimbursement from the employers.



XVII. INTERSTATE AND FOREIGN WORKERS (Section 3 Funds)

Section 3(b) of the Act authorizes the Administrator to enter into agreements with State extension services to furnish such services or functions for domestic interstate agricultural workers and their families and foreign agricultural workers and their families as the respective State extension services are willing to undertake. In keeping with the division of responsibilities set forth under II B, the extent to which State extension services perform services or functions will depend upon special agreements with the Federal Director of Extension Work in the case of interstate workers and with the Director of Labor, Office of Labor, in the case of foreign workers.

Expenditures incurred in the performance of these functions relating to interstate and foreign workers should not be charged to funds allocated to the State extension services under Section 2 of the Act, but to funds allocated to the State extension services under agreements to perform functions included in Section 3, Title I, Public Law 229..

Approved:

*Meredith C. Wilson*

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